IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 5433 OF 2004

Smt.Sangita Shrikant Patil... .....Applicant.

Versus

Mahipati Shankar Yadav & Anr.... ....Respondents.

Mr. P.P.Runwal for the Applicant.

Mr.Shekhar Ingawale for Respondent No.1.

Mr. P. S. Hingorani, APP for the State.

CORAM : NARESH H. PATIL, J.

DATED : 28TH JULY, 2006.

P.C.:

Heard.

2. The trial court while considering the merits of the case and the evidence has referred to the recitals of the Compromise Deed dated 7th April, 2003, in which it was mentioned that the accused agreed to pay Rs.70,000/- to the complainant within 45 days from the execution of the agreement. After perusal of the Compromise Deed and in view of the evidence led by the parties, the trial court came to the conclusion that

there was no legal liability on the accused to pay the said amount. It was held that the liability of the accused as alleged by the complainant was not legally enforceable in law.

3. The cheque in question was issued by way of security of the transaction, in consequence of settlement between the parties. The accused has discharged his burden in this case which can be ascertained from the evidence led by him.

4. Considering the observations and the findings of the trial Court, I am of the opinion that there is no ground made out for grant of leave to appeal. Consequently, application for leave to appeal is rejected.

Sd/-

(NARESH H. PATIL, J.)